

Entered -8-31-99 - sb  
CL 99L0546 - GWENDOLYN BURNS

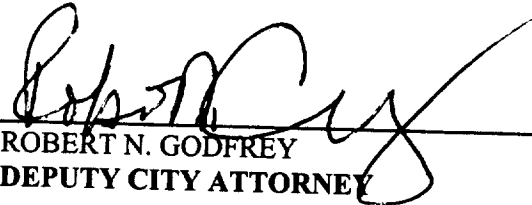
CLAIM OF: **TOMMY SCHMIDT**  
through his attorney  
**E. Alan Miller**  
**Webb, Carlock, Copeland, Semler &**  
**Stair, LLP**  
**2600 Marquis Two Tower**  
**285 Peachtree Center Tower**  
**Atlanta, Georgia 30303**

01- *R* -0285

For bodily injuries alleged to have been sustained from a water meter  
that was improperly covered on February 24, 1999 at Woodward  
Avenue, SE & Grant Street, SE

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0546

Date: February 15, 2001

Claimant /Victim TOMMY SCHMIDT  
BY: (Atty) (Ins. Co.) E. Alan Miller, WEBB, CARLOCK, COPELAND, SEMLER & STAIR, LLP  
Address: 2600 Marquis Two Tower, 285 Peachtree Center Avenue, Atlanta, Georgia 30303  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Unspecified  
Date of Notice: 8/18/99 Method: Written, Proper X Improper       
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 2/24/99 Place: Woodward Avenue, SE & Grant Street, SE  
Department WATER Division       
Employee involved      Disciplinary Action:     

NATURE OF CLAIM: Claimant alleges that he sustained bodily injuries when he stepped into a water meter which was not properly covered. However, the Claimant has filed a lawsuit to settle the issues of his claim.

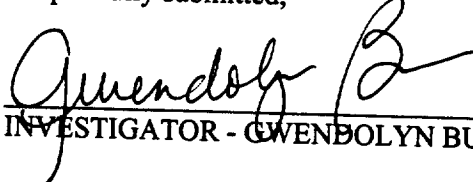
INVESTIGATION:

Statements: City employee      Claimant      Others      Written      Oral       
Pictures      Diagrams      Reports: Police      Dept Report      Other X  
Traffic citations issued: City Driver      Claimant Driver       
Citation disposition: City Driver      Claimant Driver     

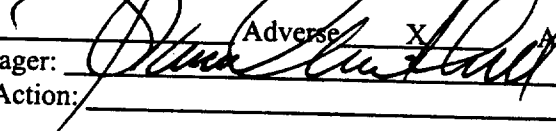
BASIS OF RECOMMENDATION:

Function: Governmental      Ministerial X  
Improper Notice      More than Six Months      Other X Damages reasonable       
City not involved      Offer rejected      Compromise settlement       
Repair/replacement by Ins. Co.      Repair/replacement by City Forces       
Claimant Negligent      City Negligent      Joint      Claim Abandoned     

Respectfully submitted,

  
INVESTIGATOR - GWENBOLYN BURNS

RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2H01       
Claims Manager:  Concur/date 02-15-01  
Committee Action:      Council Action

WEBB, CARLOCK, COPELAND, SEMLER & STAIR, LLP

LAW OFFICES

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2800 MARQUIS TWO TOWER  
285 PEACHTREE CENTER AVENUE  
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ENTERED - 8-31-99 - SB  
99L0546 - GWEN BURNS

August 16, 1999

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REPLY TO ATLANTA OFFICE

VIA FACSIMILE #404-658-6894.  
VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ITEM NO.: P 282 340 279  
AND REGULAR MAIL

Susan P. Langford  
City Hall Tower, Suite 4100  
68 Mitchell Street  
Atlanta, Georgia 30335-0332

RE: Ante Litem Notice  
The Personal Injuries of Tommy Schmidt  
Date of Accident: 2/24/99  
Our File No.: 1822-20039

Dear Ms. Langford:

This firm represents Tommy Schmidt in this matter. We are writing pursuant to O.C.G.A. § 36-33-5 to provide the City of Atlanta with Ante Litem Notice of an incident which occurred on February 24, 1999. On that date, Tommy Schmidt, was walking on a city sidewalk at the intersection of Woodward Avenue and Grant Street when he stepped on a water meter cover, which had been replaced loosely and haphazardly. The water meter is located on a sloped portion of the sidewalk. He fell into the hole beneath it and fell into the street on Woodward Avenue. Mr. Schmidt blanked out after he initially fell and awoke in a dazed state. This incident occurred in the mid-day hours of February 24, 1999. A copy of the Police Report pertaining to this matter is enclosed. Mr. Schmidt suffered cuts, abrasions and contusions to his knees and ankles. Mr. Schmidt was transported by ambulance and treated at Piedmont Hospital. He incurred considerable medical expenses as a result of this incident.

The water meter cover was loose and had been replaced haphazardly when Mr. Schmidt stepped upon it and fell. The City is responsible for maintaining its sidewalks and water meter covers in a non-negligent manner. Because the water meter cover had not been

BURNS  
08/18/99

Alan

Susan P. Langford  
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replaced properly on February 24, 1999, Tommy Schmidt fell into it and sustained injuries. On behalf of Mr. Schmidt, we demand compensation for his medical expenses and personal injuries in an amount comensurate with the injuries and evidence presented here. We will look forward to the City's timely response to this Ante Litem Notice.

Yours very truly,

  
E. ALAN MILLER

EAM:lmg  
Enclosure